

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5
Subfile No.: CHGA-003-0007

SUBFILE ORDER

THIS MATTER having come before the Court on the Special Master's Report and Recommendations on Disputed Subfile filed January 12, 2004 (Doc. No. 7382), and the Court having adopted the Special Master's Report by Order entered March 15, 2004 (Doc. No. 7430), the Court, being fully advised in the premises, now FINDS:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer and the Defendants:

JOSE P CHAVEZ
JUAN C CHAVEZ
PATSY L CHAVEZ
PIEDAD CHAVEZ

and the subject matter of this suit.

2. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendants adjudicated by this order.

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3. The right of the Defendants to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered March 15, 2000.

Source of Water: Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: Cordova/Martinez Ditch

Location: X= 1,481,451 feet Y= 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 16, Township 23N, Range 01E, N.M.P.M.

Pt. NE¼ 24.2 acres

Total 24.2 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-003-0007

Amount of Water: Reserved for future determination by court order entered March 15, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: Cordova/Martinez Ditch

Location: X= 1,481,451 feet Y= 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 16, Township 23N, Range 01E, N.M.P.M.

Pt. NE¼ 1.3 acres

Total 1.3 acres


As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-003-0007

Amount of Water: NONE

4. Defendants have no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.
5. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.
6. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

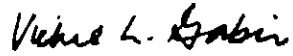
IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, are as set forth herein. The Defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Subfile Order as a final judgment as to the elements of the Defendants' water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



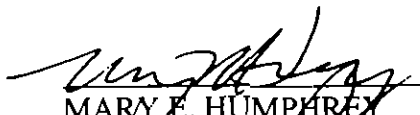
BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved



VICKIE L. GABIN
SPECIAL MASTER

APPROVED AND ACCEPTED:









MARY E. HUMPHREY
Attorney for Defendants

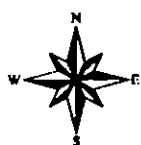


EDWARD G. NEWVILLE
Special Assistant Attorney General

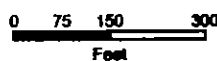


LEGEND

-  Irrigated Tract Boundary
-  No Right Tract Boundary
-  Pond
-  Operable Ditch
-  Point of Diversion
-  No Right



1 inch = 300 feet



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E., State Engineer

Rio Chama Hydrographic Survey
RIO GALLINA SECTION

Subfile Number
CHGA 003-0007
Cordova/Martinez Ditch
AMENDED
August 6, 2004

